

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 3691

In re

Patent Application of Ruth Marie Tritz et al.

Application No. 09/653,595

Confirmation No. 4590

Filed: August 31, 2000

Examiner: Narayanswamy Subramanian

"METHOD AND APPARATUS FOR EVALUATING A FINANCIAL ACCOUNT APPLICANT"

**PETITION TO REVIVE**  
**UNINTENTIONALLY ABANDONED APPLICATION**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicant hereby petitions to revive the above-identified patent application. The abandonment was unintentional. Applicant inadvertently failed to timely file a response to the Board of Patent Appeals and Interferences' Decision on Appeal (decided April 11, 2008). The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Applicants took no action that would indicate a desire to abandon the application. Furthermore, upon discovering the abandonment, Applicants expeditiously filed this Petition as required by 37 C.F.R. §1.137(b)(1).

On June 16, 2008, Applicant filed a Request for Continued Examination and an Amendment in response to the Decision on Appeal that was later determined to have been filed late due to receipt of a Notice of Abandonment. The Request for Continued Examination and the Amendment are attached to this Petition.

Please charge Deposit Account No. 13-3080 for \$1,540.00 in payment of the petition fee set forth in 37 C.F.R. § 1.17(m). Please charge any additional fees or credit any overpayment to Deposit Account No. 13-3080.

Respectfully submitted,

/julie a. haut/

Julie A. Haut  
Reg. No. 51,789

File No. 025213-9023-01  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560  
T:\CLIENTA\025213\9023\A2673461.0

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL**  
**(Submitted Only via EFS-Web)**

Application Number	09653595	Filing Date	2000-08-31	Docket Number (if applicable)	025213-9023-01	Art Unit	3691
First Named Inventor	Ruth Marie Tritz			Examiner Name	Narayanswamy Subramanian		

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at [WWW.USPTO.GOV](http://WWW.USPTO.GOV)

**SUBMISSION REQUIRED UNDER 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

☐ Other \_\_\_\_\_

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other \_\_\_\_\_

**MISCELLANEOUS**

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months \_\_\_\_\_  
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other \_\_\_\_\_

**FEES**

**The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to  
Deposit Account No 133080

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner

Signature	/julie a. haut/	Date (YYYY-MM-DD)	2008-06-16
Name	Julie A. Haut	Registration Number	51789

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Appl. No. : 09/653,595  
Confirmation No. : 4590  
Applicant : Ruth Marie Tritz et al.  
  
Filed : August 31, 2000  
Title : METHOD AND APPARATUS  
FOR EVALUATING A  
FINANCIAL ACCOUNT  
APPLICANT

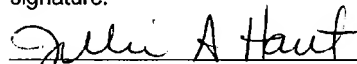
TC/A.U. : 3624  
Examiner : Narayanswamy Subramanian

Docket No. : 025213-9023-01

Customer No. : 023409

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Julie A. Haut, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

  
\_\_\_\_\_  
Signature  
6/16/08  
\_\_\_\_\_  
Date of Signature

#### AMENDMENT

Sir:

This communication responds to the Decision on Appeal decided on April 11, 2008 affirming the Examiner's rejections of the pending claims in the Office action mailed June 28, 2005. This Amendment is filed within the two-month period for response and is accompanied by a Request for Continued Examination. Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this communication.

Please amend the application as follows:

**AMENDMENTS TO THE CLAIMS**

1. (Currently amended) A computer-implemented method of automatically evaluating a financial account applicant for a financial institution, the method comprising the acts of:  
electronically accessing credit bureau data for the applicant;  
electronically accessing account information for the applicant;  
inputting the credit bureau data and the account information to a risk model;  
electronically generating a score for the applicant from an output of the risk model ~~based on the credit bureau data and the account information;~~ and  
determining whether to open the financial account based on the score.
2. (Original) A method as set forth in claim 1 wherein the act of determining whether to open the financial account includes the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to accept the application.
3. (Original) A method as set forth in claim 1 and further comprising the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to offer additional products and services of the financial institution to the applicant.
4. (Previously presented) A method as set forth in claim 1 and further comprising the act of electronically accessing demographic data for the applicant and wherein the act of generating the score includes the act of basing the score on the demographic data.
5. (Original) A method as set forth in claim 4 wherein the demographic data includes at least a one of household income, home ownership, and education level.
6. (Original) A method as set forth in claim 1 and further comprising the act of performing a preliminary financial account information database search.
7. (Original) A method as set forth in claim 6 and further comprising the act of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause."

8. (Original) A method as set forth in claim 6 and further comprising the act of denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.

9. (Currently amended) A computer-readable medium storing computer-readable instructions for evaluating a financial account applicant, the instructions directing the computer to perform the acts of:

- accessing credit bureau data for the applicant;
- accessing account information for the applicant;
- inputting the credit bureau data and the account information to a risk model;
- generating a score for the applicant from an output of the risk model ~~based on the credit bureau data and the account information;~~ and
- determining whether to open the financial account based on the score.

10-25. (Canceled)

26. (Original) A computer-readable medium as set forth in claim 9 wherein the instructions directing the computer to perform the act of determining whether to open the financial account includes instructions directing the computer to perform the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to accept the application.

27. (Original) A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to offer additional products and services of the financial institution to the applicant.

28. (Original) A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the act of accessing demographic data for the applicant and wherein the instructions directing the computer to perform the act of generating the score includes instructions directing the computer to perform the act of basing the score on the demographic data.



29. (Original) A computer-readable medium as set forth in claim 28 wherein the demographic data includes at least a one of household income, home ownership, and education level.

30. (Original) A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the act of performing a preliminary financial account information database search.

31. (Original) A computer-readable medium as set forth in claim 30 wherein the instructions further direct the computer to perform the act of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause."

32. (Original) A computer-readable medium as set forth in claim 30 wherein the instructions further direct the computer to perform the act of denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.

33-39. (Canceled)

40. (Previously presented) A method as set forth in claim 1 wherein the score is a numerical score.

41-49. (Cancel)

### **REMARKS**

Claims 1-9, 26-32, and 40-49 are currently pending in the application. Claims 10-25 and 33-39 were previously canceled and Claims 41-49 were previously withdrawn from consideration. Claims 1 and 9 are amended. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

#### **Claim Rejections – 35 U.S.C. §103**

The Examiner rejected Claims 1-9, 26-32 and 40 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,088,686 ("Walker") in view of U.S. Patent No. 6,119,103 ("Basch").

Walker does not disclose the subject matter of amended independent Claim 1. More specifically, Walker does not disclose a computer-implemented method of automatically evaluating a financial account applicant for a financial institution comprising inputting the credit bureau data and the account information to a risk model and electronically generating a score for the applicant from an output of the risk model; and determining whether to open the financial account based on the score.

Walker discloses a system and method for on-line processing of credit applications. The system includes a financial network terminal 14, a front-end processing and communications system 16, and an ACAPS processing system 26, which accesses various databases. Walker, col. 12, lines 36-48; FIGS. 1A-1B. A local branch representative ("LBR") 12 enters applicant data and the requested credit product. Id., col. 13, lines 5-12. The entered data is transferred to the ACAPS system 26 for on-line review and approval decision processing. Id. at lines 13-18.

The ACAPS system 26 accesses existing customer information stored in databases 18, 20, and 22 to determine a relationship code, which is used to identify price offers for the credit products. Id. at lines 19-47. The ACAPS system 26 proceeds to perform a front-end pre-screening process to identify any credit-qualified offers that the LBR 12 can present to the customer 10. Id. at lines 48-67. If the customer 10 accepts any of the offers, the credit qualified offer is converted to a request for credit, which requires on-line credit processing for final decision. Id., col. 14, lines 1-4. The ACAPS system 26 performs a fraud verification, and, if the applicant data passes, the ACAPS system 26 gathers credit bureau reports. Id. at lines 17-27. The ACAPS system 26 performs a disaster/policy screening, and, if the applicant data passes, a disaster response code (e.g., A, B, C, or D) is assigned to the application. Id. at lines 28-36; col. 7, lines 30-50; FIG. 41.

The ACAPS system 26 continues to process the application by performing a debt burden verification, and, if the applicant data passes, a debt burden response code is assigned to the application. Id. The ACAPS system 26 selects the worst response code between the disaster response code and the debt burden response code, which becomes the credit decision subcode. Id., col. 14, lines 47-49; col. 7, lines 30-50. The credit decision subcode or scoring response code is used to determine where the scoring response code falls within certain predetermined turndown cutoff ranges (e.g., Hard Approval, Investigate Reject-1, Investigate Reject-2, or Hard Reject-3) in order to assign a status code (e.g., RA-recommend approval, CA-conditional approval, CO-counter-offer approval, or RT-recommend turndown) to the application. Id., col. 14, line 47 through col. 15, line 21; FIG. 9. The status code determines whether to accept or reject the application or whether to provide a conditional approval of the application. Id.

If the applicant requests a bankcard, the ACAPS system 26 performs additional processing. Id., col. 15, lines 22-25. The applicant data and requested product information is transferred to the bankcard account fulfillment system ("AFS") 40. If the applicant data passes the AFS 40 requirements, the requested product is assigned a credit limit based on either the application credit score and applicant income or the applicant's bank relationship amount and income. Id. at lines 39-43. The AFS 40 performs a maximum debt burden offer if the assigned credit limit is within a certain range to calculate a credit limit. Id. at lines 45-60; col. 7, lines 58-66; col. 8, lines 5-10. If the applicant 10 is not a student, a non-resident alien or self-employed, the AFS 40 assigns a bank liability balance response code (e.g., A, B, C, or D) to the application. Id., col. 15, line 61 through col. 16, line 15; col. 7, lines 30-50.

The ACAPS 26 selects the better of the liability balance response code and the credit response code as the final response code. Id., col. 16, lines 15-18; col. 7 lines 30-50. Based on the final response code, the automated review of the applicant data, and the scoring response code, the ACAPS 26 presents an automated credit offer decision. Id., col. 16, lines 19-21.

The Examiner acknowledged that "Walker does not explicitly teach the step of generating a score for the applicant based on the credit bureau data and the account information." Office action dated October 19, 2004, page 3. Walker discloses a system that assigns a first alpha response code to disaster screening data and a second response code to debt burden data. The system of Walker selects the worst response code to be the credit decision subcode. The system of Walker assigns a third alpha response code to bank liability data, and the system selects the better of the credit decision subcode and the bank liability

response code as the final alpha response code. The system of Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code (as in the credit decision subcode and the final response code). In other words, in the system of Walker, the specific data is considered independently of other data when assigning the response codes – the data is not combined prior to assigning a response code. Walker does not teach or suggest generating a score for credit bureau data and applicant account information. Again, the system of Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code.

Basch does not cure the deficiencies of Walker. Basch does not disclose a computer-implemented method of automatically evaluating a financial account applicant for a financial institution comprising inputting the credit bureau data and the account information to a risk model and electronically generating a score for the applicant from an output of the risk model; and determining whether to open the financial account based on the score.

Rather, Basch discloses that public record data is entered into FRPS to authenticate scoreable transactions and to create a predictive model. Id. at lines 44-48. The predictive models are generated based on public records and are used to score the scoreable transactions, which are defined at column 5, lines 8-16. The Board of Patent Appeals and Interferences indicated on page 8 of the Decision that “Basch teaches using the credit bureau data to create predictive models against which the scoreable transactions (i.e., account information) are scored ... . Thus, the score is ‘based on’ the credit bureau data.”

In addition, the credit bureau data is not input to the predictive model since it was already used to create the predictive model. The following paragraph in column 5 of Basch indicates that credit bureau data cannot be included as a scoreable transaction because

[u]nlike prior art risk prediction techniques which typically employ only historical payment data for financial risk assessment purposes, the present invention advantageously takes advantage of the immediacy of scoreable transactions in assessing financial risks. Since scoreable transactions more accurately reflect the current financial risk level of a particular account and/or account holder than historical payment data, the use of scoreable transactions in assessing financial risk advantageously enables account issuers to timely receive financial risk scores based on events that impact financial risk rather than on data which are updated only monthly or per billing cycle.

Id., col. 5, lines 17-29.

To further support Applicant’s argument that credit bureau cannot be included as a scoreable transaction, Basch, consistent with the recited paragraph above, states

The data kept by credit bureaus is significantly dated since data from the various account issuers is typically not updated with the credit bureaus until after the end of each billing cycle (which may be, for example, monthly or quarterly). Accordingly, the credit bureaus typically do not have accurate or adequate data pertaining to the credit performance of a particular account holder in between reporting periods. Since credit bureau scores are not based on financial transaction data, a credit bureau would not be able to, for example, warn account issuers that certain accounts an/or account holders are at risk based on the recent transactions.

Id., col. 2, lines 21-32.

For at least the reasons discussed above, Walker and Basch do not disclose the subject matter of Claim 1. Accordingly, independent Claim 1 is allowable. Claims 2-8 and 40 depend from independent Claim 1 and are allowable for the same and other reasons.

Walker and Basch also do not disclose the subject matter of amended independent Claim 9 for at least the reasons discussed above with respect to Claim 1. As noted above, Walker and Basch do not disclose inputting the credit bureau data and the account information to a risk model and generating a score for the applicant from an output of the risk model. Accordingly, independent Claim 9 is allowable. Claims 26-32 depend from Claim 9 and are allowable for at least the reasons Claim 9 is allowable.

### **CONCLUSION**

In view of the foregoing, entry of this Amendment and allowance of the pending claims are respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

/julie a. haut/

Julie A. Haut  
Reg. No. 51,789

Docket No. 025213-9023-01  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560